

09/19/03
16152 U.S. PTO

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket No. D5806D
Anticipated Classification of this application:
Class: 514 Subclass: 044000
Prior application: Examiner: Nguyen, D.
Art unit: 1632

03945 U.S. PTO
10/665248
09/19/03

MS PATENT APPLICATION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is a request for filing a divisional application under 37 CFR 1.53(b), of pending prior application Serial No. 08/709,554 filed on September 6, 1996, entitled **Glucocorticoid Enhancement of Gene Expression**, which claims benefit of priority of U.S. Serial No. 60/003,418, filed September 8, 1995, now abandoned.

1. ☒ Enclosed is a new specification and drawings containing no new matter, including the declaration as originally filed.
2. ☒ Small entity status under 37 CFR 1.9 and 1.27(d) was established in the prior application and such status is still proper and desired (37 CFR 1.28(a)).
3. ☒ The filing fee is calculated below:

CLAIMS AS FILED IN THE PRIOR APPLICATION LESS ANY CLAIMS CANCELLED BY AMENDMENT BELOW PLUS CLAIMS ADDED BY PRELIMINARY AMENDMENT

For: _____	No. filed _____	No. extra _____
Basic Fee		
Total claims*	20 = <u>17</u>	<u>0</u>
Indep. claims*	3 = <u>2</u>	<u>0</u>

0 Multiple Dependent Claim Presented

<u>Fees for Small Entity</u>		or	<u>Fees for other than a small entity</u>	
<u>Rate</u>	<u>Fee</u>		<u>Rate</u>	<u>Fee</u>
	\$375.00	or		\$.00
<u>0</u> x \$42 = \$ <u>00</u>		or	<u> </u> x \$ = \$ <u> </u>	
<u>0</u> x \$ 9 = \$ <u>00</u>		or	<u> </u> x \$ = \$ <u> </u>	
+ \$ = \$ <u>0</u>		or	\$ = \$ <u> </u>	
TOTAL \$375.00		or	TOTAL \$ <u> </u>	

4. ☒ The Commissioner is hereby authorized to charge the \$375.00 filing fee or any additional fees required, or credit any overpayment to Deposit Account No. 07-1185..
5. ☒ Claims 1-17 in this application substantially correspond to original claims 1-17, including independent claims 1 and 17. No new matter is added.
6. ☒ This application is a divisional application of USSN 08/709,554 filed on September 6, 1996 which claims priority of provisional USSN 60/003,418, filed on September 8, 1995, now abandoned.
7. ☐ Transfer the drawings from the prior application to this application and abandon said prior application as of the filing date accorded this application. A duplicate copy of this sheet is enclosed for filing in the prior application file. (May only be used if signed by person authorized by § 1.138 and before payment of issue fee.)
8. ☒ Figures 1, 2A-2B, 3-4, 5A-5C, and 6-9 are enclosed on 12 sheets.
9. ☐ Priority of application serial no. filed on in __, is claimed under 35 U.S.C. 119.
- ☐ The certified copy of the priority application has been filed in prior application serial no.
10. a. ☒ With respect to the prior copending U.S. application from which this application claims benefit under 35 U.S.C. §120, the inventor(s) in this application are:
- ☒ the same
- b. ☒ The inventorship for all the claims in the application are:
- ☒ the same
- ☐ not the same, and an explanation, including the ownership of various claims at the time the last claimed invention was made, is submitted.
11. ☒ The prior application is assigned of record to Research Development Foundation and is located on Reel/Frame 7712/0698.
12. ☒ The power of attorney in the prior application includes Benjamin Aaron Adler, Ph.D., Registration No. 35,423.
- a. ☒ The power of attorney in this divisional appears in the Combined Declarations and Powers of Attorney enclosed herewith.

b. ☒ Address all future communications to:

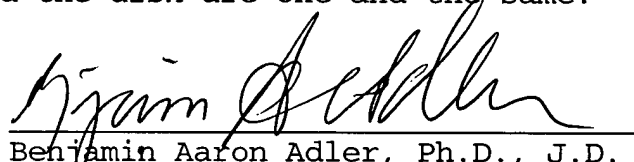
Dr. Benjamin Adler
Adler & Associates
8011 Candle Lane
Houston, Texas 77071

13. ☐ A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in prior application.)

a. ☐ A Supplemental Oath [1.67(b)(1)] for new claims is enclosed.

14. ☒ The sequence listing is enclosed, including a paper copy, a copy on disk for the computer readable form and a compliance letter indicating that the sequence listing on the paper copy and the disk are one and the same.

9/19/03
Date


Benjamin Aaron Adler, Ph.D., J.D.
Registration No. 35,423
Attorney for Applicant

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CERTIFICATE OF EXPRESS MAILING
UNDER 37 CFR 1.10

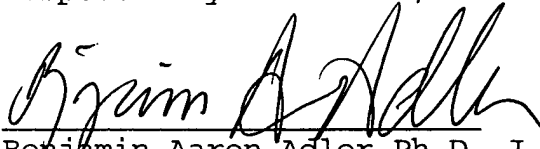
I hereby certify that this divisional transmittal and the documents referred to as attached therein are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service as Express Mail No. EV330326295US in an envelope addressed to: MS PATENT APPLICATION, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date indicated below.

Please return the enclosed postcard acknowledging receipt of this correspondence.

Respectfully submitted,

DATE:

Sept 19, 2003


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